



City of Seattle

Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012627
Applicant Name: Dan Duffus
Address of Proposal: 3009 62nd Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into four unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new lots. The construction of townhouses has been approved under Project No. 6279218.

The following approval is required:

Short Subdivision - To create four unit lots.
(SMC Chapter 23.24)

BACKGROUND DATA

Zoning: Lowrise One (LR1)

Uses on Site: Duplex

Substantive Site Characteristics: Mid-block property along 62nd Avenue Southwest between Alki Avenue Southwest and Southwest Admiral Way. The adjacent property to the south is zoned LR1; the parcel to the north is split zoned with LR1 and LR3 classifications. Zoning changes to Single Family 5000 (SF 5000) to the east across 62nd Ave SW and to the west of 63rd Ave. SW. Smaller multifamily housing projects (duplexes, triplexes) and older single family surround the subject site.

Public Comment: DPD received one comment letter concerned about the project proposed project's strain on water and sewer service in the vicinity. The letter also noted that the project fronted on to an alley.

ANALYSIS – SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Summary

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light, and Parks and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is located in a mapped environmentally critical area for liquefaction prone areas; however SMC 25.09.240 is not applicable to areas of liquefaction. The proposed plat appears to maximize the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #7)

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, rowhouses, cottage housing developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a*

result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed developments are townhouses. The structures, as reviewed under their separate building permit, conform to the development standards of the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited, it required that the face of the plat states, as it presently does: "The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code." A joint use and maintenance agreement will be required as conditioned at the end of this decision; the proposed plat shows that it is already in place.

DECISION - SHORT (UNIT LOT) SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter. (Please do not show conditions of approval prior to recording on the plat to be recorded.)

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. The owner(s) and/or responsible party(s) shall comply with all applicable standard recording requirements and instructions.
2. Maintain the following note to the face of the plat: *“The unit lots created by this unit lot subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.”*
3. Maintain the shown joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.
4. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final short subdivision.
5. Maintain the shown area to allow for the posting of address signage for the back unit lots and maintain the shown covenant and/or an easement to ensure that address signage can be maintained.
6. At the time of plat recording, if all units do not have separate water meters in place and accepted by Seattle Public Utilities, add the following notation to the plat, “Prior to individual sale of any unit lot, a separate water meter must be installed and accepted by Seattle Public Utilities”.
7. Improve three foot walkway easement to facilitate its use by emergency responders.

Signature: (Signature on File)
Bruce P. Rips, Senior Land Use Planner
Department of Planning and Development
Land Use Services

Date: October 17, 2011